

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NO. 7:08-CV-204
	§	Tract No. RGV-RGC-2008
0.77 ACRES OF LAND, MORE OR LESS,	§	
SITUATED IN STARR COUNTY, TEXAS;	§	
AND RUBEN SALINAS, JR., ET AL.,	§	

**UNITED STATES' RESPONSE TO THE COURT'S ORDER
REQUESTING STATUS UPDATE**

COMES NOW the United States of America ("United States"), and files this response to the District Court's October 17, 2018 Order to inform the Court on the status of the case:

PROCEDURAL BACKGROUND

On June 30, 2008, the United States filed Civil No. 7:08-cv-204, condemning a fee simple interest in 0.77 acres, more or less, identified as Tract RGV-RGC-2008. On July 7, 2008, the United States deposited \$10,000.00 into the Court's registry as its estimated just compensation for Tract RGV-RGC-2008.¹ [Doc. No. 4]. At the time of taking, the United States believed that Ruben and Norabel Salinas were the owners of Tract RGV-RGV-2008. [Doc. No. 2-2, at 14].

On August 14, 2008, the United States and Ruben and Norabel Salinas filed their Agreement Concerning Just Compensation and Motion for Disbursement. [Doc. No. 5; Doc. No. 6]. On August 14, 2008, the Court issued an Agreed Order to Disburse Funds in Registry, disbursing the sum of \$10,000, plus accrued interest, to Ruben and Norabel Salinas. [Doc. No. 7].

¹ See 40 U.S.C. § 3114(b) ("On filing the declaration of taking and depositing in the court, to the use of the persons entitled to the compensation, the amount of the estimated compensation stated in the declaration—(1) title to the estate or interest specified in the declaration vests in the Government; (2) the land is condemned and taken for the use of the Government; and (3) the right to just compensation for the land vests in the persons entitled to the compensation.").

The United States filed status reports in this case between 2010 and 2012. On July 21, 2010, the United States filed a status report, stating that the United States and Ruben and Norabel Salinas had settled the case. [Doc. No. 13]. However, the case remained open pending an Amended Declaration of Taking to clarify the description of the property taken. [*Id.*]. On October 15, 2012, the United States and Ruben and Norabel Salinas filed a joint status report, explaining that the United States had not yet finalized its title commitment, land survey and fence alignment in order to file the ADT. [Doc. No. 20].

ANTICIPATED NEXT STEPS

The United States plans to take the following steps to resolve this case:

- (1) File a motion to consolidate this case (Civil No. 7:08-cv-204) with Civil No. 7:08-cv-221 due to overlapping boundary issues. Specifically, finalized survey results appear to indicate that a portion of Tract RGV-RGC-2008 (in Civil No. 7:08-cv-204) is actually owned by the adjacent property owners Joel Salinas, not Ruben and Norabel Salinas.
- (2) File a consolidated Amended Declaration of Taking (“ADT”) and Amended Complaint in Condemnation (“Amended Complaint”) in order to (a) clarify the description and plat of the land acquired based on finalized surveys and title examination results; (b) clarify that the land taken did not include water distribution and drainage systems; and (c) add as defendants any new parties identified as having an interest.
- (3) The United States advises the Court that, in FY 2019, it expects to acquire additional property from this landowner for the border fence project.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/Christopher D. Pineda*
CHRISTOPHER D. PINEDA
Assistant United States Attorney
S.D. Tex. No. 1055715
Texas Bar No. 24070420
600 E. Harrison Street, Suite 201
Brownsville, Texas 78520
Tel: (956) 548-2554
Fax: (956) 548-2776
Email: christopher.pineda@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on December 7, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that our office will send a copy of this document on December 7 and 10, 2018 via regular mail to all parties who have made an appearance and/or for whom the United States has contact information.

s/ Christopher D. Pineda
CHRISTOPHER D. PINEDA
Assistant United States Attorney